

AS

Notice of Allowability	Application No.	Applicant(s)	
	09/891,799	PYZIK ET AL.	
	Examiner	Art Unit	
	Michael I Poe	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on March 22, 2004.
2. ☒ The allowed claim(s) is/are 19-32 (renumbered 1, 5-7, 3-4, 8-9, 11, 12, 10, 2 and 13-14, respectively).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20040407</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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EXAMINER'S AMENDMENT

Authorization

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's attorney Kevin Nilsen on April 6, 2004.

Amendments

2. The application has been amended as follows:

The title has been changed to:

-- A METHOD FOR PREPARING A CONCRETE ARTICLE HAVING REINFORCING FIBERS FRAYED AT THEIR ENDS --.

The abstract has been amended as follows:

Line 1, -- method for preparing a -- has been inserted after "A".

Claim 19 has been replaced by the following:

19. (Currently Amended) A method for preparing a concrete article comprised of:

mixing concrete, water and [a] reinforcing fibers to form a mixture for a sufficient time to fray the reinforcing fibers only at an end or ends of at least 50 percent of the reinforcing fibers without such reinforcing fibers starting to completely fibrillate, and
curing the mixture to form the concrete article.

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Claim 20 has been replaced by the following:

20. (Currently Amended) The method for preparing concrete of Claim 19 wherein the reinforcing fibers are [is] comprised of at least two filaments bonded together and each filament being comprised of a polymeric core at least partially enveloped by a polymeric sheath comprised of a fusing-fraying polymer that has a lower melting temperature than the polymeric core, such that the reinforcing fibers, when mixed with the concrete, [frays predominately] fray only at an end or ends of the fibers.

Claim 21 has been amended as follows:

Line 2, "fiber is" has been deleted after "reinforcing" and -- fibers are -- has been inserted after "reinforcing".

Claim 22 has been replaced by the following:

22. (Currently Amended) The method of Claim 21 wherein the reinforcing fibers are [is] in a paper bag when added to the mixture and the fibers completely disperse uniformly into the mixture within [about] a mixing time of about 5 minutes.

Claim 23 has been amended as follows:

Line 2, -- area -- has been inserted after "surface" (second occurrence).

Claim 26 has been replaced by the following:

26. (Currently Amended) The method of Claim 21 wherein the fusing-fraying polymer is polyethylene having a melt index from about 5 to about 35 and a density from about 0.9 g/cc to about 0.965 g/cc [or combinations thereof].

Claim 29 has been amended as follows:

Line 1, "fusing/fraying" has been deleted after "wherein the" and -- fusing-fraying -- has been inserted after "wherein the".

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Claim 30 has been amended as follows:

Line 1, "19wherein" has been deleted after "Claim" and -- 19 wherein -- has been inserted after "Claim".

Examiner's Statement(s) of Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

- (1) The prior art of record does not teach or suggest the claimed method for preparing a concrete article, as a whole, especially including mixing concrete, water and reinforcing fibers to form a mixture for a sufficient time to fray the reinforcing fibers only at end or ends of at least 50 percent of the reinforcing fibers without such reinforcing fibers starting to completely fibrillate (see also the applicant's arguments, in the last paragraph of page 6 and the first paragraph of page 7, within the applicant's response filed on March 22, 2004).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianne can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



MICHAEL COLAIANNI
PRIMARY EXAMINER